

HEARING DATE: May 15, 2019
HEARING TIME: 10:00am

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re

Karen T. Beltran

Debtor.
-----X

**NOTICE OF OBJECTION
TO CLAIM**

Case No. 17-22419-rdd
Chapter 13

**NOTICE OF OBJECTION TO CLAIM NO. 1 PURSUANT TO FEDERAL RULE
OF BANKRUPTCY PROCEDURE RULES 3002.1 AND 3007**

PLEASE TAKE NOTICE THAT upon the application of Karen T. Beltran (the “debtor”) and the Notice of Objection to Claim No. 1 pursuant to Federal Rule of Bankruptcy Procedure Rules 3002.1 and 3007, by her attorney Wendy Marie Weathers, Esq. of Cabanillas & Associates, P.C., dated February 7, 2019, the undersigned will move the this Court before the Honorable Robert D. Drain, United States Bankruptcy Judge, at the U.S. Bankruptcy Court, Southern District of New York, 300 Quarropas Street, White Plains, NY 10601 on **May 15, 2019, 2019 at 10:00am** for an Order Granting Debtor’s Objection to Claim No. 1; and for such other and further relief that this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that objections, if any, are to be served on the undersigned and filed at least SEVEN (7) days before the hearing date. The objection and proof of service shall be filed and a courtesy copy shall be provided to chambers.

Dated: White Plains, NY
February 8, 2019

/s/Wendy Marie Weathers
By: Wendy Marie Weathers, Esq.
CABANILLAS & ASSOCIATES, P.C.
Attorneys for the Debtor
120 Bloomingdale Road, Suite 400
White Plains, NY 10605
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To:

Karen T. Beltran
60 Truman Avenue
Yonkers, NY 10703

Krista M. Preuss
Chapter 13 Standing Trustee
399 Knollwood Road
White Plains, NY 10603

U.S. Trustee
Office of the United States Trustee
Eastern District of New York
U.S. Federal Office Building
201 Varick Street, Room 1006
New York, NY 10014

Hon. Robert D. Drain
United States Bankruptcy Court
Southern District of New York

Nissan-Infiniti LT
PO Box 660366
Dallas, TX 75266-0366

Martin A. Mooney, Esq.
950 New Loudon Road
Latham, New York 12110

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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Karen T. Beltran

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**OBJECTION TO CLAIM NO. 1 PURSUANT TO FEDERAL RULE
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TO: THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY COURT

Wendy Marie Weathers, Esq., duly admitted to practice law before this Court, affirms upon
information and belief:

1. On or around March 21, 2017, the Debtor, Karen T. Beltran (the “Debtor”) filed a
Voluntary Chapter 13 Petition
2. On March 24, 2017, Nissan-Infiniti LT (“Nissan”) filed a proof of claim with this Court’s
Claims Register, Claim No. 1, in the secured amount of \$5,423.00. The claim was for a Motor Vehicle
Lease Agreement, dated August 27, 2015, pursuant to which the Debtor leased the 2015 Nissan Altima
(the “Vehicle”) from the dealer at the rate of \$319.00 per month for a term of thirty-six (36) months.
3. On November 8, 2018, Nissan-Infiniti LT as serviced by Nissan Acceptance Corporation
filed a Motion for Relief from Stay in order to modify the stay to allow them to sell the Vehicle.
4. The Lease matured in July 2018 and Debtor made payments on the lease through July
2018. The Debtor has since returned the Vehicle. Since Nissan has the vehicle in their possession and
Debtor made all payments under the lease agreement, proof of claim no. 1 should be disallowed.

WHEREFORE, it is respectfully requested that claim number 1 filed by Nissan-Infiniti LT be
disallowed, and that the debtor be granted such other and further relief as to the Court may seem just and
proper.

Dated: White Plains, NY
February 8, 2019

/s/Wendy Marie Weathers
By: Wendy Marie Weathers, Esq.
CABANILLAS & ASSOCIATES, P.C.
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